

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 6

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

**PROPOSED AGENDA FOR
REGULAR COUNCIL MEETING, COUNCIL CHAMBERS
DECEMBER 21, 2004
9:00 A.M.**

ROLL CALL

Invocation – Police and Fire Chaplain Sam Faraone
Pledge of Allegiance

REGULAR AGENDA

Presentation to Mayor Wardy to be made by the People to People Student Ambassadors and group leaders from the Mayor of Ayr and the Burdekin Shire Council of Australia. [Beth S. Hunter]

MAYOR'S PROCLAMATION

THE BILL OF RIGHTS

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members or persons in the audience. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA

- 1. APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for the Regular City Council Meeting of December 14, 2004.

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

- 3A.** Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.52.040 and 18.52.080 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

3718 E. San Antonio Avenue \$8,002.98 Luisa H. Aguilar
(District 3) [Building Permits & Inspections, Tom Maguire, (915) 541-4588]

- 3B.** That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JULIET LOZANO**, to develop effective relationships with the media and to provide information to the public on city programs, projects, events and city government at a biweekly rate of \$2,115.38. The contract period shall be from December 27, 2004 through December 26, 2005.
 [City Manager, Joyce A. Wilson, (915) 541-4844]

- 3C.** That the Mayor be authorized to sign a Release of Lien for the Forgivable Loan Agreement with the El Paso Center for the Deaf in the amount of Seven Hundred Twenty Thousand And No/100 Dollars (\$720,000). **(All Districts)**
 Filing fees will be paid from Community & Human Development Account Number 504406. [Community and Human Development, Robert A. Gott, (915) 541-4248]

- 3D.** That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises. [El Paso Museum of Art, Chris Grijalva-Garcia, (915) 532-1707]

Event:	Dinner/Program
Licensee:	Pan American Round Table of El Paso
Date:	March 4, 2005
Time:	6:00 p.m. - 10:00 p.m.
Area(s):	Special Events
Charge for Space:	\$1,200.00
Charge for Staff (est.):	\$360.00
Charge for Insurance:	\$52.80

- 3E.** That \$800,000 of available proceeds from the Tax Increment Finance Fund of the abolished Tax Increment Finance District No. 1 be authorized for budget transfer to the Main Library Expansion Project of the 2004 Quality of Life Bond Election; that such amount be allocated to the Project as follows: \$250,000 for Additional Project Contingency, \$300,000 for Furniture, and \$250,000 for Computer/Network Equipment; and that the City Manager be authorized to sign on behalf of the City of El Paso all documents required to effectuate such transfer and expenditure. Tax Increment Funding was budgeted from account #72509501/507001 to account #72509501/407001.
 [Quality of Life Services, Deborah Hamlyn, (915) 541-4686]

- 3F.** That the Mayor be authorized to sign an agreement between the City of El Paso and the Sun Bowl Association relating to traffic control and actions associated with the El Paso Vitalis Sun Bowl on Friday, December 31, 2004 in the Sun Bowl Stadium. **(District 1)** Reimbursed Expense to 32010287 503203 01101 32000
[Street Department, Daryl W. Cole, (915) 621-6750]
- 4.** Request to fill position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:
- Accounting Clerk (1)
Fund Source: 06010022-01101-06000
[Tax Office, Juan Sandoval, (915) 541-4369]
- 5.** Request for provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:
- Central Maintenance Services Supervisor (1)
Fund Source: 31010326-01101-31001
[Fleet Services, Jeffrey Belles, (915) 621-6821]
- 6. STAFFING TABLE CHANGES:**
- 6A. FIRE**
- | | | | |
|--------|------|-----------------------------|------|
| Delete | 5.00 | Fire Fighter | FS 1 |
| Delete | 1.00 | Fire Administration Chief | FS 7 |
| Add | 3.00 | Fire Battalion Chief | FS 6 |
| Add | 3.00 | Fire Suppression Technician | FS 2 |
- Fund Source: 22010100-01101-22000
[Fire Department, Chief Roberto Rivera, (915) 771-1000]
- 6B. MASS TRANSIT**
- | | | | |
|-----|-------|------------------------|-------|
| Add | 18.00 | Coach Operator Trainee | GS 11 |
|-----|-------|------------------------|-------|
- Fund Source: 60600003-40345-60000
[Mass Transit, Terry Lee Scott, (915) 534-5810]
- 6C. MASS TRANSIT**
- | | | | |
|-----|------|------------------------|-------|
| Add | 3.00 | Coach Operator Trainee | GS 11 |
|-----|------|------------------------|-------|
- Fund Source: 60600003-40345-60000
[Mass Transit, Terry Lee Scott, (915) 534-5810]
- 7. BOARD RE-APPOINTMENTS:**
- 7A.** Victor F. Poulos to the Airport Board by Representative Susan Austin, District 1.
[Representative Susan Austin, (915) 541-4886]
- 7B.** William Wickline to the RSVP Advisory Board by Representative John F. Cook, District 4. [Representative John F. Cook, (915) 541-4140]

8. BOARD APPOINTMENT:

David Dodge to the Water Conservation Advisory Board by Representative Vivian Rojas, District 7. [Representative Vivian Rojas, (915) 541-4108]

9. DISCRETIONARY FUNDS/STREET HUMPS:

The installation of one street hump between 7352 and 7356 Dale Road, and a second street hump between 7352 and 7356 Franklin at an estimated total cost of \$5000 to be provided by District 3 Discretionary Funds.

Dept ID# 01010003, Acct# 504420, Fund# 01101

[Representative Jose Alexandro Lozano, (915) 541-4515]

10. Request that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign the payment agreements on behalf of the City: [Tax Office, Juan Sandoval, (915) 541-4369]

10A. PID #C675-999-0030-3600, \$281.54 per month installments on a balance of \$3,378.48 for 2003 taxes; Teresa Clancy – 808 Green Cove. **(District 1)**

10B. PID #'s L447-999-0410-5700, L447-999-0410-6500 & 2002-999-2200-0034, \$462.48 per month installments on a balance of \$2,774.88 for 2003 Taxes; Guillermo & Sandra Quiroz – 4026 Thomason. **(District 2)**

10C. PID #M772-003-0040-0600, \$512.41 per month installments on a balance of \$6,148.92 for 2001, 2002 & 2003 taxes; Jose L. Martinez – 372 Bean Ct. **(District – County)**

10D. PID #U819-000-017K-2700, \$316.45 per month installments on a balance of \$5,696.10 for 2002, 2003 & 2004 taxes; Indalecio & Rosa Chavez – 60 Brothers Rd. **(District - County)**

10E. PID #P682-999-0020-1300, \$151.54 per month installments on a balance of \$2,727.72 for 2002 & 2003 taxes; Fernando & Enedina Garnica – 8819 Clavel Dr. **(District 7)**

10F. PID #X580-999-240G-0320, \$4,503.27 per month installments on a balance of \$27,019.62 for 2003 taxes; J. A. Cardwell, Sr. – 8836 Montana. **(District 3)**

10G. PID #2003-000-0062-0022, \$8,114.36 per month installments on a balance of \$97,372.32 for 2003 taxes; The Shredder Co. LLC. Property Tax Department – 7380 Doniphan. **(District 1)**

11. APPLICATIONS FOR TAX REFUND: [Tax Office, Juan Sandoval, (915) 541-4369]

11A. Landamerica Lawyers Title of El Paso in the amount of \$2,978.52 overpayment of 2004 taxes. (PID #C340-999-1080-3500)

11B. Tom Earley in the amount of \$52,116.78 overpayment of 2004 taxes. (PID #L628-999-0010-0100)

12. BIDS:

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

12A. Solicitation No.: 2005-033 Pasodale Subdivision-Greggerson/Yale Concrete Intersection
Contractor: J.A.R. Concrete, Inc.
El Paso, Texas

Department: Streets
Funds Available: 14200403-PBE04ST125-29140-508027
Funding Source: 2004 Bond Election
Items: Base Bid \$59,473.00
Total Award: \$59,473.00
District (s): 2

RECOMMENDATION:

The Departments of Purchasing, Engineering, and Street Department recommend the award of this contract to J. A. R. Concrete, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

[Purchasing Department, Barbara Crumley, (915) 541-4315]

12B. Solicitation No.: 2005-036 Library Periodicals
Award to: EBSCO Information Services
Dallas, TX 75240
Item (s): #1 to #4 (all subscriptions)
Amount: \$73,000.00 (estimated annually)

Department: El Paso Public Library
Funds available: 31130563-508039-PPW005003YR2-60005
Funding source: Library Books-Books & Materials
Total award: \$219,000.00 (estimated)
District (s): All

The El Paso, Public Library and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

The Library's review and recommendation attached.

The Vendor offers the City the option to extend the term of the contract at the publishers final accepted price for one (1) or two (2) additional years if the option is exercised within one (1) or two (2) years from the date of the award.

Vendor also offers the City a prompt payment discount of 2 % 10 days.

This is a Requirements Type Contract with an initial term of Thirty Six (36) months.
[Purchasing Department, Jesus M. Juarez, (915) 541-4317]

13. 2000 QUALITY OF LIFE BOND ELECTION PROJECTS:

[Perspectiva + 3D/I (P+3), Juan Contreras, (915) 225-3449]

Council to authorize the combining of the budgets, design and bidding documents on five Park projects into one bid package in conformance with the P+3's Program Outlook Plan approved by City Council on September 14, 2004.

No change in funding from the 2000 Quality of Life Bond Program.

REGULAR AGENDA

14. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

14A. An ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules) Section 12.88.150 (Schedule XIV, Speed Limits), Of The El Paso Municipal Code, To Increase The Existing Speed Limit of 30 M.P.H. to 35 M.P.H. on Ojo De Agua Drive From Via Descanso Lane to Westwind Drive. The Penalty Being As Provided In Section 12.84.010 Of The El Paso Municipal Code. **(District 1)** [Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

14B. An ordinance granting a Special Privilege to Ahn Chi Ho permitting the encroachment of a canopy along a portion of public right-of-way at 426 South El Paso Street. (Fee: \$100.00, SP-04025) **(District 8)**
[Planning Research and Development, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON JANUARY 4, 2005 FOR ITEMS 14A – 14B

14C. An Ordinance changing the zoning of A Portion of Lots 11 and 12 and all of lots 13 through 20, Fractional Block 28, Alexander Addition, El Paso, El Paso County, Texas from R-4 (Residential) to A-O (Apartment/Office). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Dr. Nicholas Rich. ZON04-00103 **(District 1)**
[Planning, Research and Development, Jorge Rousselin, (915) 541-4723]

14D. An Ordinance changing the zoning of Tract 146, North Valumbrosa Subdivision No. 2, El Paso, El Paso County, Texas from R-4 (Residential) to R-5 (Residential). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: David Munoz. ZON04-00137 **(District 6)**
[Planning, Research and Development, Jorge Rousselin, (915) 541-4723]

14E. An Ordinance changing the zoning of Lot 12, Block C, Christy Tract, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-3 (Residential). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jose Lopez Castillo & Lidia Corral De Lopez. ZON04-00139 **(District 7)** [Planning, Research and Development, Jorge Rousselin, (915) 541-4723]

- 14F.** An Ordinance granting Special Permit No. ZON04-00141, to allow for infill development on A Portion of Tract 17C, Lot 17, El Canutillo Acreage Lots, El Paso, El Paso County, Texas, pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Miguel Hernandez. **(District 1)**
[Planning, Research and Development, Jorge Rousselin, (915) 541-4723]

PUBLIC HEARING WILL BE HELD ON JANUARY 11, 2005 FOR ITEMS 14C– 14F

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

15. MAYOR AND COUNCIL:

- 15A.** Discussion and action on a Resolution respectfully requesting that the 79th Texas Legislature restore the 2002-2003 level of funding to the fifty community college districts of the State. [Mayor's Office, Adrian Ocegueda, (915) 541-4145]
- 15B.** Discussion and action to extend the time limits established by City Council action of 31 August 2004 for the Ad Hoc Committee put in place to investigate and make definitive recommendations on naturally occurring water conveyance channels, for one hundred twenty (120) days.
[Representative Robert A. Cushing, Jr., (915) 541-4996]

16. ECONOMIC DEVELOPMENT:

- 16A.** Discussion and action on a Resolution that the Mayor be authorized to sign a Tax Abatement Agreement by and between the City of El Paso and El Paso Healthcare Systems, Ltd. which will provide for fifty percent (50%) abatement of the assessed value of the Eligible Real Property it proposes to construct within a designated reinvestment zone and a fifty (50%) percent abatement of the assessed value of the Eligible Personal Property to be installed within a designated reinvestment zone. The term of abatement under this Agreement shall be ten (10) calendar years beginning on January 1 of the year following completion of construction of the Improvements. **(District 1)**
[Economic Development, David G. Dobson, (915) 541-4680]
- 16B.** Discussion and action on a Resolution that the Mayor be authorized to sign a Tax Abatement Agreement by and between the City of El Paso and High Desert Investors, L.P., which will provide for twenty-five percent (25%) abatement of the assessed value of the Eligible Real Property it proposes to construct within a designated reinvestment zone and a twenty-five (25%) percent abatement of the assessed value of the Eligible Personal Property to be installed within a designated reinvestment zone. The term of abatement under this Agreement shall be five (5) calendar years beginning on January 1 of the year following completion of construction of the Improvements. **(District 1)**
[Economic Development, David G. Dobson, (915) 541-4680]

- 16C.** Discussion and action on a Resolution that the City of El Paso Interim Guidelines and Criteria for Property Redevelopment and Tax Abatement December 2004 be approved and are hereby immediately effective. **(All Districts)**
[Economic Development, David G. Dobson, (915) 541-4680]

17. ENGINEERING:

Discussion and action on approval of Conditional "B" building permits for Paseos Del Sol Unit Two Subdivision. **(District 6)** [Engineering Department, Bashar Abugalyon, (915) 541-4157]

18. PURCHASING:

18A. RECOMMENDATION:

Application:	City Depository Contract
Award to:	Wells Fargo Bank
	El Paso, Texas
Item (s):	All
Department:	Comptroller
Funds available:	Yes
Funding source:	Compensating Balances
Total Amount:	\$292,000.00 (estimated annually)
District (s):	All

The Review Committee based on evaluation factors established for this Application for Depository, recommend that Wells Fargo Bank be named as the City of El Paso Depository. This is a two [2] year contract with the option to extend for two [2] additional years.

Additional, it is requested authorization for City staff to negotiate, City Attorney's Office to review, and the Mayor/City Manager be authorized to execute any related contract documents and agreements and signature authorities as necessary during the Contract.

[Purchasing Department, Byron Johnson, (915) 541-4308 and Comptroller, Carmen Arrieta-Candelaria, (915) 541-4435]

18B. BEST VALUE PROCUREMENT:

This contract shall be awarded to the bidder who provides the best value to the City. The City may consider price and other relevant criteria listed in the request for bids.

Solicitation No.:	2005-012	Type 1, Class 1 Ambulances
Award to:		F & F Supply Company, Inc.
		Big Lake, Texas
Item (s):		#1
Delete Options:		All (Items O1 – O45)
Add Options:		O11, O13
Amount:		\$2,213,496.00
		<u>-54,000.00</u> Less Trade-In Allowance
		\$2,159,496.00

Department: El Paso Fire Department
 Funds available: See Attached Detail
 Funding source: FY2002, 2003, 2004 Capital Funding
 Total award: \$2,213,496.00
District (s): All

The Fire, Fleet Services and Purchasing Departments recommend award as indicated as this vendor has provided the Best Value Bid. This vendor is also the low responsible and responsive bidder.

This is a fixed-price, single (one-time) purchase, to purchase eighteen (18) Ambulances. There is an option from the vendor to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one hundred and eighty (180) days, from the date of award of the contract. No prompt payment discount is offered.

It is also requested that the Mayor and Staff be authorized to execute budget transfers for this award, as necessary.

[Purchasing Department, Monica Vera, (915) 541-4234]

19. PUBLIC HEARINGS – PLANNING, RESEARCH AND DEVELOPMENT:

19A. An Ordinance changing the zoning of portion of Lot 3, Block 46, Sun Ridge Unit 12, El Paso, El Paso County, Texas from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Peace Partners Car Wash, LLC. ZON04-00126 **(District 6)**

[Planning, Research and Development, Fred Lopez, (915) 541-4925]

19B. Discussion and action on a Resolution authorizing the Mayor to sign an amendment to a zoning contract between the City of El Paso and Antonio Diaz amending the zoning contract dated April 14, 1987 and as imposed by Ordinance No. 8993 to delete a condition and impose new conditions for the property described as a Portion of Tract 12A and all of Tract 12B, Block 51, Ysleta Grant, El Paso, El Paso County, Texas (9647 Socorro Rd). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Antonio Diaz. ZON04-00120. **(District 6)**

[Planning, Research and Development, Jorge Rousselin, (915) 541-4723]

19C. An Ordinance granting Special Permit No. ZON04-00134 to allow for a parking reduction on the property described as Lots 9 and 10, Block 32, Franklin Heights (1318 Myrtle Avenue), El Paso, El Paso County, Texas pursuant to Section 20.64.175 of the El Paso Municipal Code. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Opportunity Center for the Homeless. Representative: Wright & Dalbin Architects Inc. **(District 8)**

[Planning, Research and Development, Jorge Rousselin, (915) 541-4723]

- 19D.** Discussion and action on a resolution defining the location of a banner district for the purpose of authorizing banner programs therein, such banner displays to be placed on City right-of-way and aimed at enhancing the downtown area.
(District 8) [Planning, Research and Development, George Sarmiento, (915) 541-4193]

- 20.** The City Council of the City of El Paso will retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss and take action on any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.)

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- 20A.** The Housing Authority of the City of El Paso v. City of El Paso, et al., Cause No. 2003-3099 in the County Court at Law No. Seven of El Paso County, Texas. (551.071) [City Attorney's Office, James A. Martinez, (915) 541-4550]
- 20B.** *Armando Chacon v. The City of El Paso*, Cause No. 2001-4755 in the 327th District Court of El Paso County, Texas. (551.071)
[City Attorney's Office, James A. Martinez, (915) 541-4550]
- 20C.** Discussion and action on pending claim regarding Horst Berg. (551.071)
[City Attorney's Office, Michele Little Locke, (915) 541-4550]
- 20D.** Discussion and action on pending claim regarding Rommel Delgado-Aguirre. (551.071) [City Attorney's Office, Michele Little Locke, (915) 541-4550]
- 20E.** Discussion and action on pending claim of Margarita Amaya. (551.071)
[City Attorney's Office, Michele Little Locke, (915) 541-4550]
- 20F.** Discussion and action on pending claim of Jorge Lopez and Maria Rosario Lopez. (551.071) [City Attorney's Office, Michele Little Locke, (915) 541-4550]

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov>